Remarks

Claims 1 – 20 are pending in the application. Claims 6 – 12 have been withdrawn from consideration. Claims 1 – 3, 5, and 13 – 20 have been rejected. Claims 1 – 5 and 13 – 20 have been amended by this response. Claims 1 – 5 and 13 – 20 are presented for reconsideration.

The Examiner objected to claim 4 as being in improper dependent form because it is a multiple dependent claim that was improperly structured. Consequently, the Examiner did not treat claim 4 on the merits of the claim. Appropriate corrections have been made to overcome this objection. The Examiner also objected to claims 1 – 5, 14 – 15 and 17 because of certain informalities. Appropriate corrections have been made to overcome these objections. Specifically "token" has been replaced with "portable client identification" in claim 1 (see Fig. 30 and specification at p. 81, lines 9 – 27). In claim 14, "virtual" has been added before "showcase." In claim 15, "store" has been added before "showroom." In Applicants' invention, the items of merchandise that are displayed via video images to the customer are the result of the video camera installed in a retail store showroom. The video images represent a live feed controlled by the sales assistant or by the customer remotely. In Claim 17, "the plurality of interactive communication" has been added before "portals." Applicants have defined portal to be "a home terminal, kiosk, in-store terminal, and mobile communications device or like means of accessing a communications network" (p. 3, ll. 16 – 18).

The Examiner rejected claims 1 – 3, 5 and 13 – 20 under 35 USC § 102(e) as being anticipated by *Tavor, et al.* (U.S. 6,070,149). This rejection is respectfully traversed.

Tavor, et al. describes a virtual sales representative for interacting with a customer browsing a virtual store website. The virtual sales representative can ask scripted questions and

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receive answers from the customer. The virtual sales representative can be programmed to guide the sales transaction in order to promote certain products, or in order to more easily provide a customer with the desired product. This guidance is provided through software modules that are capable of intelligent interaction with the customer (Col. 3, ll. 5 – 16). *Tavor* teaches that the system accompanies the customer from the initial stage of requesting an Internet virtual sales representative through the stages of determining the needs of the customer, guiding the customer to the desired products while maintaining a product and market advisory, and generally suggesting or recommending, and discussing or commenting with regard to the product through the purchasing process. The system follows a pre-programmed line of reasoning in order to sell to the end user (Col. 3, ll. 31 – 38). The system taught by *Tavor* features a "detection engine" mechanism to recognize characteristics of the user and to modify the session from user to user according to the individual (Col. 3, ll. 42 – 44). Following a signal from the detection engine, or following a request from the user, the system can change the session from the logic-based system to a chat mode with a "live" human sales representative whenever and if one is available (col. 3, ll. 50 – 54).

Fig. 1 of *Tavor*, reproduced below, depicts the general architecture of the virtual sales representative system. Block 10 of the system shows the sale engine unit core routines. Block 12 is a business logic module for controlling the departments and business strategies. Block 14 shows the financial purchase management system. Block 16 includes various arithmetical functions such as the arithmetic parser. Block 18 shows the application support module, including the generation of sales comments, department messages, and multimedia output. Block 20 is the module providing the web-server technologies. Block 22 is the graphical user

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interface platform for interaction with the user. Block 24 is the E-Shop and includes links with

various modules required for the interaction of the virtual sales representative and the user.

Block 26 is a software module providing the option to transfer the interaction to "chat mode"

with the user. Block 28 is the detection engine (Col. 5, ll. 25 – 44). Inside the sales engine unit

10 are global functions for processing the rule base, such that the answer of the user is analyzed

according to the programmed rule base of the E-Shop, and to determine if another question is to

be asked or if a type of a product can be recommended to the user.

FIG 1 - Sales Engine - General Architecture
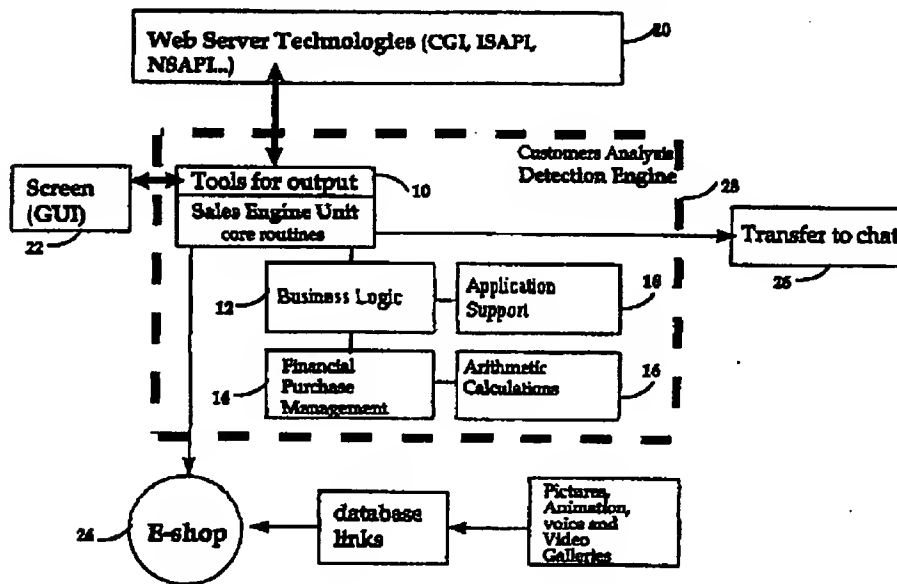
Claim 1 has been amended to recite the steps of disposing at least one video camera in a

display area of the retail environment to scan the items of merchandise and manipulating the at

least one video camera to dynamically display video images of items in response to instructions

from the customer interacting with the sales assistant. There is no teaching in *Tavor, et al.* of

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placing a video camera in a display area to scan items of merchandise or to manipulate the video camera to dynamically display video images of items in response to instructions from the customer interacting with the sales assistant. The interaction between the shopper and the virtual sales assistant taught by *Tavor, et al.* is based entirely on pre-scripted rules and questions to be asked. In Applicants' invention, a video camera disposed in a display area of a retail environment can be manipulated in response to instructions that are received from the customer during his interaction with the sales assistant. There are no pre-scripted rules and questions exchanged between the customer and sales assistant. Therefore, claim 1, as amended, is clearly not anticipated by *Tavor, et al.*

Claims 2 – 5 depend, directly or indirectly, from claim 1 and are not anticipated for at least the same reasons that claim 1 is not anticipated.

Claim 13 has been amended to recite that the communication session management module establishes a real-time interactive connection between a customer and a sales assistant and the video module provides for dynamic viewing of video images of merchandise over the entry portal in response to instructions received from the customer interacting with the sales assistant. As described above, and as shown in Fig. 1, *Tavor, et al.* does not teach or suggest the use of a video module for dynamically viewing video images of merchandise over an entry portal in response to instructions received from a customer interacting with the sales assistant. The interaction between the customer and the virtual sales assistant taught by *Tavor, et al.* is based entirely on pre-scripted rules and questions to be asked. It is not based on a real-time interactive connection between the customer and a sales assistant.

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Claims 14 – 20 depend directly from claim 13 and are not anticipated by *Tavor, et al.* for at least the reasons that claim 13 is not anticipated.

The Examiner rejected claims 1 – 3, 5 and 13 – 20 under 35 USC § 102(b) as being anticipated by *Girouard, et al.* (U.S. 4,982,346). This rejection is respectfully traversed.

Girouard, et al. describes a computer system and method for automating advertising and promotional campaigns. When located in a mall, or similar retail area, the computer system ("Mall Promotion Network") can control sweepstakes, frequent buyer and other similar frequency programs, discount coupons, prizes, give-aways, rebates, and visual advertising (col. 3, l. 62 – col. 4, l. 2). A direct mail campaign distributes magnetic or barcode cards that are similar to credit cards to selected customers in the geographic vicinity of a retail mall or similar shopping area. These selected customers would bring the cards to the Mall Promotion Network kiosk located at a mall, and scan their cards through a card reader. If the customer has a winning number, he will be awarded a prize. If the customer doesn't win a prize, he might still be awarded a coupon or discount for merchandise (col. 4, ll. 7 – 15).

Fig. 7, reproduced below, is a flow chart describing the functions of the promotion network program. Blocks 76 and 80 depict the programs that can be requested by the customer using the Mall Promotion Network. The programs available include promotions, product locator, store location, coupons, specials, events, order processing, surveys, enrollment, frequent shopper, and frequent purchase. The order processing routine can execute a display item routine. The item picture is displayed on the touch screen monitor (col. 16, ll. 40 – 48).
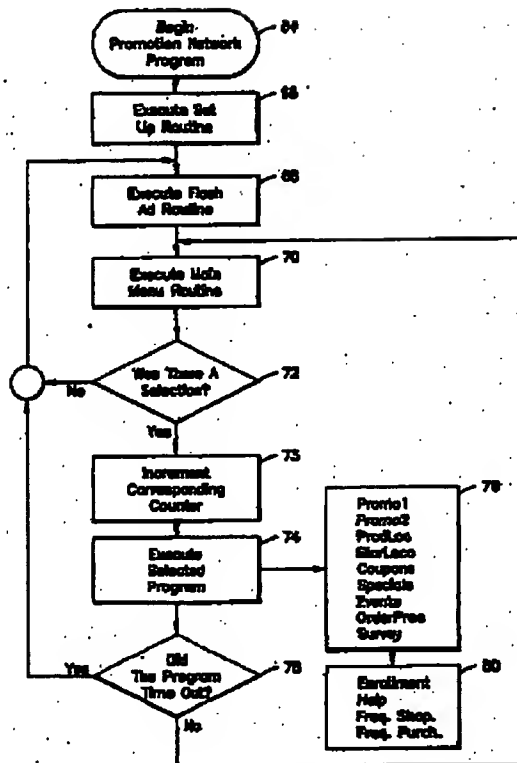
FIG. 7

Regarding claim 1, there is no teaching in *Girouard, et al.* of disposing at least one video camera in a display area of the retail environment to scan the items of merchandise and manipulate the at least one video camera to dynamically display video images of items in response to instructions to a customer interacting with a sales assistant. Furthermore, there is no teaching in *Girouard, et al.* of establishing a real-time interactive electronic connection between a customer and a sales assistant. Therefore, claim 1, as amended, is clearly not anticipated by *Girouard, et al.*

Claims 2 – 5 depend either directly or indirectly from claim 1 and are not anticipate for at least the same reasons that claim 1 is not anticipated by *Girouard, et al.*

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Regarding claim 13, *Girouard, et al.* does not teach or suggest a communication system management module for establishing a real-time interactive connection between a customer and a sales assistant and a video module for dynamically viewing video images of merchandise over an entry portal in response to instructions received from the customer interacting with the sales assistant. Therefore, claim 13 is clearly not anticipated by *Girouard, et al.*

Claims 14 – 20 depend directly from claim 13 and are not anticipated by *Girouard, et al.* for at least the reasons that claim 13 is not anticipated.

In view of the above, it is submitted that the objections and rejections of the Examiner have been properly addressed and the pending claims are in condition for allowance. Such action at an early date is earnestly solicited. It is also requested that the Examiner contact Applicants' attorney at the telephone number listed below should this response not be deemed to place this application in condition for allowance.

Respectfully submitted,

10/28/05
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